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In re Application of  
JERRY R. SMITH  
Serial No.: 09/202,003  
PCT No.: PCT/US97/12310  
Int. Filing Date: 09 July 1997  
Claimed Priority Date: 09 July 1996  
Atty. Docket No.: DN 1627 PCT  
For: ELECTROMECHANICAL  
SWITCHING DEVICE

DECISION ACCEPTING  
PAPERS AS APPLICATION

#### BACKGROUND

This is a decision in response to the papers filed in the United States Patent and Trademark Office (USPTO) by applicants on 14 February 2002, which include, *inter alia*:

- (1) a copy of a Transmittal Letter Concerning a Filing under 35 U.S.C. § 371 (Form PTO-1390);
- (2) a copy of the international application, International Search Report (Form PCT/IB/308), Form PCT/IB/332, Form PCT/IB/304, Form PCT/IPEA/402, Form PCT/IPEA/416, and International Preliminary Examination Report (Form PCT/IPEA/409);
- (3) Declaration (executed);
- (4) Petition under 37 CFR 1.181(a)(3) to transmit a Notification of Acceptance of Application under 35 U.S.C. 371 and for Prompt Examination of National Stage Application, with attached exhibits filed in USPTO on 27 November 2000;
- (5) itemized post card receipt date stamped 07 December 1998 by the USPTO;
- (6) a written statement signed by Timothy J. Martin that the above-mentioned papers are a copy of the application file of the instant application as filed on 07 December 1998.
- (7) filing fee of \$380.00.

#### ACCEPTANCE OF PAPERS AS APPLICATION CONTENTS

The papers filed 14 February 2002 are accepted as the contents of application number 09/202,003 and will be used to reconstruct the USPTO application file, the original of which cannot presently be located, as follows:

(1) the copy of the Transmittal Letter (Form PTO-1390) and international application filed on 14 February 2002 will be entered as the application papers filed 07 December 1998 in accordance with an itemized post card receipt date stamped by the USPTO for the instant application, which indicates receipt of a new application on 07 December 1998;

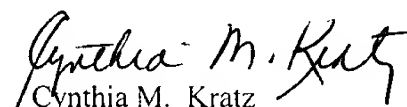
(2) the declaration filed on 14 February 2002 will be treated as if filed on 07 December 1998, as evidenced by the copy of the postcard receipt submitted therewith.

This application is being forwarded to the National Stage Processing Branch of the International Division for processing in accordance with this decision, including reconstruction of the application file as indicated above and preparation and mailing of a Notification of Acceptance of Application under 35 U.S.C. § 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) indicating a date of **07 December 1998** under 35 U.S.C. § 371(c).



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